



PROFESSIONAL NEGLIGENCE
CONSTRUCTION AND INFRASTRUCTURE
GENERAL COMMERCIAL
INTERNATIONAL ARBITRATION
INVESTMENT TREATY
COMMERCIAL
DOMESTIC LITIGATION AND DISPUTE
RESOLUTION

Riaz Hussain KC

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PRACTICE

Riaz acts as leading counsel in high value, complex disputes and advises clients on difficult legal and tactical issues. He is ranked as a leading silk for Construction, Professional Negligence and International Arbitration in The Legal 500 and Chambers and Partners.

Aside from his construction expertise, Riaz has solid experience of a variety of heavy-weight general commercial and investment disputes, and arbitral claims in the English Courts.

The Legal 500 and Chambers and Partners describe his working style as *“wonderfully hands-on, with a real ‘can do’ attitude, excellent client skills, very calm under pressure, highly responsive, hardworking, proactive, efficient, user friendly, approachable and always a pleasure to work with.”*

Commendations of his legal ability describe him as *“a supreme strategist, a top-notch legal mind who always provides excellent and clear advice, has a commercial and pragmatic approach, is quick to spot solutions that other counsel may miss, concise, incisive and very good at getting to the point.”*

As an advocate he is commended as *“brilliant in court and hearings, a very persuasive advocate, who is a tough, forensic, ferocious and excellent cross examiner.”*

Riaz has direct access rights and is often instructed directly by in house counsel from governmental bodies and commercial organisations. He has been appointed as arbitrator in ICC, UNCITRAL and DIFC-LCIA arbitrations including as chair of a tribunal. He is on the LCIA list of arbitrators and Chair of the Nominations Subcommittee for the ICC in the UK.

CONSTRUCTION AND INFRASTRUCTURE / PFI

Riaz is experienced in high court and appellate litigation in the Technology and Construction Court and the Commercial Court, in construction contract adjudications and enforcements, in disputes under PFI contracts, in domestic arbitrations under the Arbitration Act 1996 and in advisory work. He is experienced with use of all the major standard form construction contracts such as the JCT, NEC, ICE and FIDIC forms.

Examples of recent domestic experience include:

- Successful in the Supreme Court in a significant judgment on (1) circumstances where a trial judge can amend an oral judgment prior to a sealed order (2) application of rule 3.9 of the Civil Procedure Rules for relief from sanction **Federal Airports Authority of Nigeria v AIC Limited UKSC [2022] 1 W.L.R 3323**
- Key Court of Appeal Judgment on the approach to claims for enforcement of adjudicator's decisions by insolvent parties **John Doyle Construction Ltd v Erith Contractors Ltd 199 Con LR**
- First reported case allowing enforcement of an Adjudicator's decision by a company in insolvency **Styles & Wood v GE CIF Trustees [2020] 9 WLUK 460.**
- First English decision successfully establishing a right to adjudicate by an insolvent company **Balfour Beatty v Astec Projects Ltd 189 Con LR 154**
- TCC Part 8 Claim to determine the meaning and operation of the payment mechanism in a Joint Venture Agreement between the Contracting Parties employed under a NEC3 Contract. **Doosan Enpure Ltd v Interserve Construction Ltd 187 Con LR 153**
- TCC Action regarding Development and subsequent Leasehold of Liberty Stadium, Swansea. Directly instructed by the Local Authority. **Swansea Stadium Management Co Ltd v (1) Swansea City & County Council (2) Interserve Construction Ltd 185 Con LR 21.**
- PFI Adjudication regarding the operation of deductions for a hospital development and the meaning of "reactive maintenance" and the meaning of an express good faith requirement in the deductions clause.
- PFI dispute for a Hospital regarding payment for Building Works and adjustment of a Building Development Fee and whether historic adjustments had been wrongly calculated.
- PFI Dispute regarding deductions for payments for operation of a major Waste Treatment Plant – dispute whether the operating requirements had to be adjusted for impossibility and/or in light of an express good faith clause.
- PFI dispute regarding a claim for deductions arising from defective firestopping in a hospital and the interaction between defects under the Construction Contract and availability of facilities under the Service and Management Contract.
- PFI dispute arising from the purported termination of a contract to manage an educational institution prior to the expiry period and the basis for compensation arising.

- PFI Adjudication for a Hospital regarding deductions for installation of non-compliant materials and alleged unavailability of clinical areas due to hygiene issues. Successful in overturning deductions imposed.

GENERAL COMMERCIAL AND ENERGY DISPUTES

Riaz advises on issues arising in general commercial contracts and acts in related litigation and arbitration. In particular he advises on sale of goods contracts, claims under bonds and guarantees, actions arising from bribery and corruption, supply contracts and joint venture agreements.

Examples of recent domestic experience include:

- Successful in the Supreme Court in a significant judgment on (1) circumstances where a trial judge can amend an oral judgment prior to a sealed order (2) application of rule 3.9 of the Civil Procedure Rules for relief from sanction **Federal Airports Authority of Nigeria v AIC Limited UKSC [2022] 1 W.L.R 3323**
- Key Commercial Court Decision on the interplay between seeking a precautionary attachment on a call on a performance bond from local courts and complying with an arbitration agreement under English Law **SRS Middle East FZE v Chemie Tech DMCC [2020] 11 WLUK 14.**
- LCIA Arbitration regarding meaning and enforceability of a large value capacity agreement for the sale of Re-gasified Liquefied Natural Gas – achieved full recovery plus costs.
- LCIA Arbitration regarding Share Purchase Agreement in Saudi Arabia defending claims for breaches of warranties in SPA and claims for reduced value of the purchase. Claim value USD\$80 million.
- LCIA Arbitration regarding meaning and operation of a power supply agreement in the Middle East and the basis for payment (whether “take or pay”).
- Commercial Court proceedings regarding non-payment under a policy of insurance for loss of a Yacht at sea – claim value circa £15 million.
- Commercial Court proceedings seeking an injunction for unlawful use of copyright following termination of a sale and purchase agreement for the supply of oil and gas drilling rigs.
- Commercial Court proceedings against an insurer seeking indemnity under a building works insurance policy and whether the insurer is estopped from arguing an exclusion to cover applies.
- High Court proceedings regarding interpretation of an oral agreement for a seller’s agent’s commission on sale of property.
- Advising on rights and limitations of liability under an agreement for the sale of aircraft to a national carrier.
- High Court proceedings opposing enforcement of an arbitral award under the New York Convention involving conflicts of law issues, avoiding competing jurisdictions, and the public policy exception under Article V. **Honeywell International Middle East Ltd v Meydan Group Llc [2014] 2 Lloyd’s Rep 133.**

INTERNATIONAL ARBITRATION

Riaz is instructed as leading counsel in international arbitrations including in the UAE, Qatar, Saudi Arabia and wider Middle East, the Caribbean, Africa, Far East and Europe. Riaz is familiar with the particular challenges of international arbitration disputes including managing mega disputes, the commercial realities of large value Projects, issues between joint venture partners, dealing with foreign law (including civil law systems), conflict of laws and jurisdictional issues. He is accustomed to dealing sensitively with a diversity of tribunal members and clients. He has led arbitrations under the major institutional arbitral rules including ICC, LCIA and DIAC. His counsel practice is informed by his experience as an arbitrator.

Examples of recent cases include:

- LCIA Arbitration UAE Law – major high rise development claim for unlawful termination, whether liquidated damages are recoverable, delay and prolongation and a counterclaim for costs to complete and defective works – claim values circa USD\$200 million.
- LCIA Arbitration regarding Share Purchase Agreement in Saudi Arabia defending claims for breaches of warranties in SPA and claims for reduced value of the purchase. Claim value USD\$80 million.
- LCIA Arbitration UAE Law – major luxury development claim for unlawful termination alleged wrongful call on a bond issues of delay and quantum. Claim value circa USD\$100 million.
- DIFC-LCIA arbitration claim value UAE Law USD\$215 million plus. Dispute regarding high rise commercial and residential towers in the UAE. Includes application to restrain call on a bond. Contract subject to UAE Law and key issues raised on good faith.
- LCIA Arbitration regarding meaning and enforceability of a large value capacity agreement for the sale of Re-gasified Liquefied Natural Gas – achieved full recovery plus costs.
- LCIA Arbitration regarding Share Purchase Agreement in Saudi Arabia defending claims for breaches of warranties in SPA and claims for reduced value of the purchase. Claim value USD\$80 million.
- LCIA Arbitration regarding meaning and operation of a power supply agreement in the Middle East and the basis for payment (whether “take or pay”).
- DIAC arbitration. Claim value USD\$150 million plus. Dispute regarding high rise mixed-use tower in the UAE. Claims for delay, variations and defects. Involved cross examination of structural and mechanical engineering experts. Contract subject to UAE Law.
- LCIA arbitration. Claim value Euro 150 million plus. Defending claim regarding the design and construction of a landmark retail and leisure complex in Moscow. Contract subject to Russian Law. Included issue of impact of Respondent’s insolvency on ongoing arbitral claims under the Rome Convention.
- Acting for Joint Venture in a Dispute Adjudication Board Referral USD\$1 billion plus claim regarding EPC contract for an urban transport network. Particularly sensitive matter as the Project was ongoing and the client comprised a multi-party joint venture. Saudi Law.

- Dispute regarding Temporary Accommodation sub-contract in respect of the construction of a refinery in Saudi Arabi. Dispute as to whether the sub-contract was validly terminated. ICC Rules. Saudi Law.
- ICC arbitration. Claim value USD\$35 million plus. Defending claim by Temporary Works Sub-Contractor in a major road upgrade project in Qatar. Claim involved difficult issues of whether the sub-contractor was entitled to the benefit of payments received under the Main Contract and whether the Main Contractor had acted contrary to the requirements of good faith under Qatari Law.
- ICC arbitration under Swiss Law regarding rights under a business consultancy agreement for mobile telephone communications in Iran. Particular issues as to whether the contract was void for bribery.
- ICC arbitration regarding a hotel management agreement between a government-owned subsidiary and a major hotel chain in the Caribbean. Trinidad and Tobago Law.
- ICC arbitrations regarding upgrade of oil and gas refinery in the Caribbean. Total claim values in excess of USD\$300 million. Laws of Trinidad and Tobago.
- Riaz has experience of investment treaty claims particularly with a construction or infrastructure element including claims under umbrella clauses in Treaties. Examples include advising on an Investment Treaty Claim relating to alleged expropriation of mining rights. Advising on an Investment Treaty Claim relating to breaches of an EPC contract for the construction of an airport terminal in Africa. He appeared as Junior Counsel in an ICSID claim representing a European investor seeking compensation for alleged treaty breaches by a West African state **Gustav F W Hamester GmbH & Co KG v. Republic of Ghana, ICSID Case No. ARB/07/24.**

PROFESSIONAL NEGLIGENCE

Riaz has wide experience of professional negligence disputes, acting for both claimants and insurers in relation to claims brought against a variety of professionals, including engineers, contract administrators, architects and planning consultants. Riaz is experienced in leading disputes to trial, including cross examination of technical experts, advising on issues of contribution between defendants and in helping attain a successful negotiated settlement where appropriate.

Recent experience includes:

- High Court Proceedings representing insurers for the cladding trade contractor in multi-party High Court claim re defective and dangerous cladding in a central London building.
- High Court proceedings re aesthetically non-compliant cladding representing insurers for the cladding sub-contractor and installer in a multi-party claim involving the main contractor, the design consultants and the cladding panel suppliers.
- High Court proceedings regarding design and installation of a Biomass energy plant to service student accommodation and secure “zero net carbon” emissions
- High Court Proceedings representing the employer Local Authority in a claim against the contract administrator regarding design, contract administration and quantity surveying services provided for a school refurbishment

- Successful defence in adjudication of a £2 million Architect's negligence claim for a luxury London residence.
- High Court proceedings representing the Employer in a claim against the Construction Manager in a development and construction of an industrial distribution warehouse. The claim concerned a failure to properly ensure or advise on site clearance and disposal.
- High Court action for negligent design of gas purification equipment in a biomass waste treatment facility. Case involved highly technical questions regarding design and working of innovative patented technology and important contractual issues regarding recovery of renewable energy payments. **McCain Foods GB Ltd v Eco-Tec (Europe) Ltd [2011] CILL 2989**
- High Court multi-party dispute representing insurers of mechanical engineer defending a claim for defective design of a gas supply system.
- High Court claim under the Contribution Act 1978 against consulting engineers for alleged negligence in supervision of water supply works.

NOTABLE CASES

Federal Airports Authority of Nigeria v AIC Limited UKSC [2022] 1 W.L.R 3223

SRS Middle East FZE v Chemie Tech DMCC [2020] 11 WLUK 14.

John Doyle Construction Ltd v Erith Contractors Ltd 199 Con LR

Styles & Wood v GE CIF Trustees [2020] 9 WLUK 460.

Balfour Beatty v Astec Projects Ltd 189 Con LR 154

Doosan Enpure Ltd v Interserve Construction Ltd 187 Con LR 153

Cyril Chern v (1) Apilosa Corp (2) AR Architecture Ltd [2019] BLR 128

Swansea Stadium Management Co Ltd v (1) Swansea City & County Council (2) Interserve Construction Ltd [2019] 4 WLUK 366

Lobo v Corich & Anor [2017] All ER (D) 132 (Jun)

Ground Developments Ltd v FCC Construcción SA and others [2016] BLR 532: 167 Con LR 192

Husband and Brown Ltd v Mitch Developments Ltd [2015] All ER (D) 156 (Oct)

Oakrock Ltd v Travelodge Hotels Ltd and Others [2014] BLR 593

Co-Operative Group Ltd v Carillion JM Ltd & Anor LTL 11/2/2014

Honeywell International Middle East Ltd v Meydan Group Llc [2014] 2 Lloyd's Rep 133: [2014] BLR 401 : 154 Con LR 113 : [2014] Bus LR D13

KNN Colburn LLP v GD City Holdings Ltd [2013] All ER (D) 33 (Oct)

Clark Electrical v JMD Developments UK Ltd [2012] BLR 546: [2012] CILL 3249

McCain Foods GB Ltd v Eco-Tec (Europe) Ltd [2011] CILL 2989

YCMS LTD (T/A Young Construction Management Services) v (1) Stephen Grabiner (2) Miriam Grabiner [2009] BLR 211: 123 Con LR 202 : [2009] CILL 2692

Letchworth Roofing v Sterling Building Co [2009] CILL 2717

Bole v (1) Richard Money (T/A Richard Money Associates) (2) Huntsbuild Ltd (2009) 127 Con LR 154

McAlpine v Tilebox [2005] BLR 271

Haden Young v Laing O Rourke LTL 29/09/08

YCMS v Grabiner [2009] BLR 211

QUALIFICATIONS AND AWARDS

2021	Elected Master of the Bench of Gray's Inn
2016	Appointed Queen's Counsel
2000-2001	Prince of Wales' Scholarship (Gray's Inn)
2000-2001	BVC Inns of Court School of Law
2000	Andrews Medal, Most Outstanding Graduate, Faculty of Laws, University College, London
1997-2000	Awarded Medals for Best Examination Performance for each of the three years of LLB Degree at University College, London
1997-2000	LLB (1 st Class), University College, London

RECENT RECOMMENDATIONS

"Riaz stands shoulder-to-shoulder with the best senior silks of the construction Bar: He is a marvellous trial advocate and has a firm grasp of construction law and indeed a good knowledge of the technical aspects. He is a fantastic advocate and his strength is cross-examination of both lay and expert witnesses. He rolls his sleeves up, works with the team, and gets the job done."

International Arbitration, The Legal 500 2024

"Riaz is extremely attentive to key strategic issues. His advocacy is sharp and powerful, hitting on the key issues underpinning the case."

Construction, The Legal 500 2024

"A strong advocate who very persuasive and doesn't give up."

Professional Negligence, The Legal 500 2024

"He was thoughtful and robust; I would certainly rate him highly."

International Arbitration: Construction/Engineering, Chambers UK Bar 2024

"The dispute becomes his world during the hearing. He's fantastic to work with and he project-manages every detail. He is our go-to person for big-ticket Middle East disputes."

"Riaz is greatly skilled in international construction matters. He is superb in understanding the commercial aspects and implications of the dispute and adjusts the legal strategy accordingly."

"Riaz goes to great lengths to understand your business and the way in which you operate. He becomes a truly invaluable member of your team."

"Clients like his more relaxed style yet he's still a complete expert in his area. He's an excellent advocate - it's known how strong he is in cross-examination and in oral argument."

Construction, Chambers UK Bar 2024

"Riaz did a fantastic job, he is really smart."

"Riaz has a super brain, and is very relaxed and approachable. Clients like his more relaxed style, yet he is still a complete expert in this area."

Professional Negligence, Chambers UK Bar 2024

"He is a fiercely intelligent, approachable and hard-working barrister who is responsive, pragmatic and a true team player."

"His advocacy is very skilled indeed, and he's incredibly user-friendly and down to earth."

"His ability to get his head around technical issues and his commercial awareness are both very good."

Construction, Chambers UK Bar 2023

"He has an excellent manner with clients, thoroughly embeds himself within a team and is excellent at devising and executing a strategy."

"Riaz prepares thoroughly before every hearing and is always across every document and issue, and is a true pitbull at cross-examination."

International Arbitration, Chambers UK Bar 2023

"His ability to get his head around technical issues and his commercial awareness are both very good."

"Riaz is great to have on your side – very responsive and very quick on the uptake, showing great intelligence."

Professional Negligence, Chambers UK Bar 2023

"Riaz is unbelievably calm under pressure and incredibly versatile as an advocate – being able to flex his style to deal with any situation. He is great at dealing with very complex issues, fantastic on his feet, and not one to shy away from a difficult and contentious issues."

Construction, The Legal 500 2023

"He is unbelievably calm under pressure and incredibly versatile as an advocate – being able to flex his style to deal with any situation. He has particular expertise in the energy sector – specifically oil and gas."

International Arbitration: Counsel, The Legal 500 2023

"Riaz is user-friendly and exceptionally hard-working." "Amazing in cross-examination."

Construction, Chambers & Partners UK Bar 2022

"An absolute brainbox, he's both a workaholic and user-friendly. Exceptionally hard-working but also a very well-rounded person."

Professional Negligence, Chambers & Partners UK Bar 2022

"Riaz puts his heart and soul into a matter and gets into the minutiae." "Riaz is a focused and efficient advocate who has a tremendous ability to cut through the issue and focus on the crux of any matter."

International Arbitration, Chambers & Partners UK Bar 2022

"Riaz is very personable and user friendly, and he goes the extra mile. He is tenacious and leaves no stone unturned."

Construction, The Legal 500 2022

"Always brilliant to work with, he is not frightened to roll up his sleeves and put in the hard yards – very robust in cross-examination, he has no fear in taking on the most eminent of experts."

Middle East, Construction, The Legal 500 2022

"A superstar. He is extremely affable to work with and is a meticulously prepared and forceful advocate."

International Arbitration, The Legal 500 2022

"A very supportive silk who always provides great advice."

Professional Negligence, The Legal 500 2022

The above are a selection of recent client endorsements from the leading legal directories, both UK and internationally. For a complete list of endorsements, please contact the practice management team at Atkin Chambers.